

*h*



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,750	06/29/2001	Katsuya Suzuki	01395/LH	8196

1933 7590 06/15/2004

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
767 THIRD AVENUE  
25TH FLOOR  
NEW YORK, NY 10017-2023

EXAMINER

MIZRAHI, DIANE D

ART UNIT	PAPER NUMBER
----------	--------------

2175

DATE MAILED: 06/15/2004

*h*

Please find below and/or attached an Office communication concerning this application or proceeding.

*h*

# Office Action Summary

Application No.

09/897,750

Applicant(s)

SUZUKI, KATSUYA

Examiner

DIANE D. MIZRAHI

Art Unit

2175

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 33-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

DIANE D. MIZRAHI  
PRIMARY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Art Unit: 2175

## III. DETAILED ACTION

Claims 33-48 are presented for examination. In response to communications filed on 4-23-04, the Claims 33-48 are pending in the application, Applicant's arguments have been reconsidered but are not deemed persuasive.

Response to Applicant's Remarks

Examiner has completed a through review and study of Applicant's amendment of 4-23-04; especially, Applicant's remarks to claims 33-48 pages 10-11. Applicant's remarks amendments to claims 33-48 further direct the claimed invention to medical data preservation.

Examiner asserts that Hall et al. (U.S. Patent No. 6,253,214 and Hall hereinafter) teaches Applicant's claimed invention of medical data preservation. In particular Applicant's remarks, regarding the newly claimed, "from the plurality of medical institution units and from a plurality of medical institutional units corresponding to the at least one medical institution" is clearly taught by Hall, (column 2, lines 19-50) and (col 2, lines 41). Therefore, Hall teaches Applicant's claimed limitation from the plurality of medical institution units. (See Office Action cited below).

Art Unit: 2175

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the 'basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 33-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall et al. (U.S. Patent No. 6,253,214 and Hall hereinafter).

Regarding Claim 33, Hall teaches a medical data preservation system comprising: a plurality medical which output electronic medical data including medical information having medical images and management

Art Unit: 2175

information generated in medical institution over a communication line; (col 2, lines 41) (Figure 1, 300); a medical data receiver which automatically receives the electronic medical data after completion of an inspection over the communication line; (i.e. client-server architecture) (Figure 2, 230 & 310); a medical data storage unit capable of storing the electronic data received by the medical data receiver from the plurality of medical institutional units (col 2, lines 41); (Figure 1, 310) storage condition designating unit for use in designating a condition for storage in the medical data storage unit; (i.e. server) (Figure 1, 310); and a controller for controlling a data-stored state of the medical data storage unit according to the condition for storage designated by the storage condition designating unit (Figure 2, 340).

Regarding Claim 34, Hall teaches wherein the electronic medical data is stored by the controller both in the medical data storage unit and in an external recording medium in accordance with the storage condition designated by the storage condition designating unit (Figure 1, 300).

Art Unit: 2175

Regarding Claim 35, Hall teaches wherein the electronic medical data is stored as medical-record-formed medical information data (Figures 3 or Figure 4) in the medical data storage unit by the controller in accordance with the storage condition designating unit (Figure 1, 310).

Regarding Claim 36, Hall teaches wherein the medical-record-formed medical information data (Figures 3 and Figure 4) is outputted in accordance with individual patient identifying information included in the management information (Figure 4, Col 4, lines 58-67; see also col 5, lines 1-2).

Regarding Claim 37, Hall teaches a converter which converts the outputted medical record-formed medical data (Figures 3 or Figure 4) into a patient-understandable form (i.e. exam backup, or daily backup, Col 3, lines 64-67).

Regarding Claim 38, Hall teaches wherein the patient-understandable for is one of: printed and mailed to the patient and (ii) transmitted via a terminal having the

Art Unit: 2175

individual patient identifying information (Figure 1, 300; see also col 3, lines 20-27).

Regarding Claim 39, Hall teaches generating electronic medical data including medical information having medical images and management information in at least one medical institution (Figure 1, 100; see Figures 3 and 4); outputting the electronic medical data over a communication line from a plurality of medical institutional units corresponding to the at least one medical institution (col 2, lines 41); (Figure 2, 100); automatically receiving the electronic medical data over the communication line after completion of an inspection for each of the medical institutional units (col 2, lines 41); (Figure 1, 300); storing the received medical data in a medical data storage unit; (Figure 1, 320 and 330) designating a condition for storage in the medical data storage unit; (Figure 2, 100); and controlling a data-stored state of the medical data storage unit according to the designated condition for storage (Figure 2, 340).

Regarding Claim 40, Hall teaches wherein the electronic medical data is stored both in the medical data

Art Unit: 2175

storage unit and in an external recording medium in accordance with the designated storage condition (Figure 1 and Figure 2).

Regarding Claim 41, Hall teaches wherein the electronic medical data is stored as medical-record-formed medical information data in the medical data storage unit in accordance with the designated storage condition (Figure 3 and Figure 4).

Regarding Claim 42, Hall teaches wherein the medical-record-formed medical information data is outputted in accordance with individual patient identifying information included in the management information (Figure 3 and Figure 4; see also Figure 2, 340).

Regarding Claim 43, Hall wherein the outputted medical-record-formed medical information data is converted into a patient-understandable form (i.e. exam backup, or daily backup, Col 3, lines 64-67).

Regarding Claim 44, Hall teaches wherein the patient-understandable form is one of: printed and mailed to the



Art Unit: 2175

patient and (ii) transmitted via a terminal having the individual patient identifying information (Figure 1, 300; see also col 3, lines 20-27).

Regarding Claims 45-48, the limitations are similar in scope to the rejected claims above and are therefore rejected as set forth above.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to

Art Unit: 2175

Diane D. Mizrahi whose telephone number is (703) 305-3806. The examiner can normally be reached on Monday-Thursday. If attempts to reach the examiner by telephone are successful, the examiner's supervisor, Dov Popovici can be reached on (703) 305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9000 for regular communications and (703) 305-9000 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9001.

  
Diane Mizrahi

Primary Patent Examiner  
Technology Center 2100

June 7, 2004